IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.168 OF 2006

Mrs.Pushpa Jyoti Sharma .. Petitioner.
Vs.
Mrs.Surva Gyanesh Sharma & Anr. .. Respondents.

Ms.Manjula Rao i/b Smt.P.P.Chavan for the petitioner.
Mrs.M.H.Mhatre A.P.P. for the State.
Mr.Ganesh Gole i/b Arpan Rajput for respondent no.1.

CORAM : D.B.BHOSALE, J.

DATED : 27TH JUNE, 2006

P.C.:

. Heard learned counsel for the parties.

2. This petition is directed against the judgment and order dated 3.1.2006 passed by the Sessions Court dismissing the revision application of the petitioner. The revision application was filed challening the order passed by the learned Metropolitan Magistrate dated 22.12.2005 in C.C.No.3525/S/2005 by which the application filed by the petitioner for issuing witness summons to the Accountant of the complainant came to be rejected. It appears that initially the Chartered Accountant was not shown as witness. Despite that the petitioner was given opportunity to examine him. The petitioner, however, could not secure the presence of the Chartered Accountant. In the circumstances, the petitioner filed an application

to examine complainant's accountant. The learned Sessions Court while rejecting the revision application in paragraph 10 of the judgment recorded reasons as to why the examination of accountant is not necessary. That being an interlocutory order I am not in favour of interfering with such order, particularly in view of the fact that the case is now kept for judgment. It is always open for the petitioner to agitate this issue in appeal, in the event the case is decided against him. In the circumstances this writ petition is rejected.

(D.B.Bhosale, J.)